

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>LARRY RAFIQ SAMUELS,</b>	:	<b>CIVIL ACTION</b>
<i>Plaintiff</i>	:	
	:	
v.	:	
	:	
<b>WARDEN JULIO ALGARIN, et al.</b>	:	<b>NO. 17-5679</b>
<i>Defendants</i>	:	

**ORDER**

**AND NOW**, this 9<sup>th</sup> day of February, 2018, upon consideration of Mr. Samuels's motion to proceed *in forma pauperis* and his *pro se* Complaint, it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Plaintiff Larry Rafiq Samuels, #15-06152, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Mr. Samuels, an initial partial filing fee of \$2.73 is assessed. The Warden or other appropriate official at the Montgomery County Correctional Facility or at any other prison at which Mr. Samuels may be incarcerated is directed to deduct \$2.73 from Mr. Samuels's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 17-5679. After the initial partial filing fee is collected and until the full filing fee is paid, the Warden or other appropriate official at the Montgomery County Correctional Facility or at any other prison at which Mr. Samuels may be incarcerated, shall deduct from Mr. Samuels's account, each time that Mr. Samuels's inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money

credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 17-5679.

3. The Clerk of Court is directed to send a copy of this Order to the Warden of the Montgomery County Correctional Facility.

4. For the reasons stated in the Court's Memorandum, with the exception of Mr. Samuels's retaliation claim against Lt. Zerr, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), the Complaint is **DISMISSED**, without prejudice, for failure to state a claim.

5. Mr. Samuels is given leave to file an amended complaint within thirty (30) days of the date of this Order. If Mr. Samuels files an amended complaint, he shall name all defendants in the caption of the amended complaint in addition to the body of the amended complaint and state how each defendant was involved in the violations of his rights. If Mr. Samuels does not file an amended complaint, the Court will direct service of his initial Complaint on Lt. Zerr only. If Mr. Samuels files an amended complaint, the Clerk shall not make service until so ORDERED by the Court.

**BY THE COURT:**

/s/ Nitza I. Quiñones Alejandro

**NITZA I. QUIÑONES ALEJANDRO**

*Judge, United States District Court*